

## RECOMMENDED ORDER to the DISCIPLINE COMMITTEE

IN THE MATTER OF THE ENGINEERING, AND GEOSCIENCE PROFESSIONS ACT,

AND

IN THE MATTER OF THE CONDUCT OF P.ENG.

## APEGA Investigative Committee Recommended Order

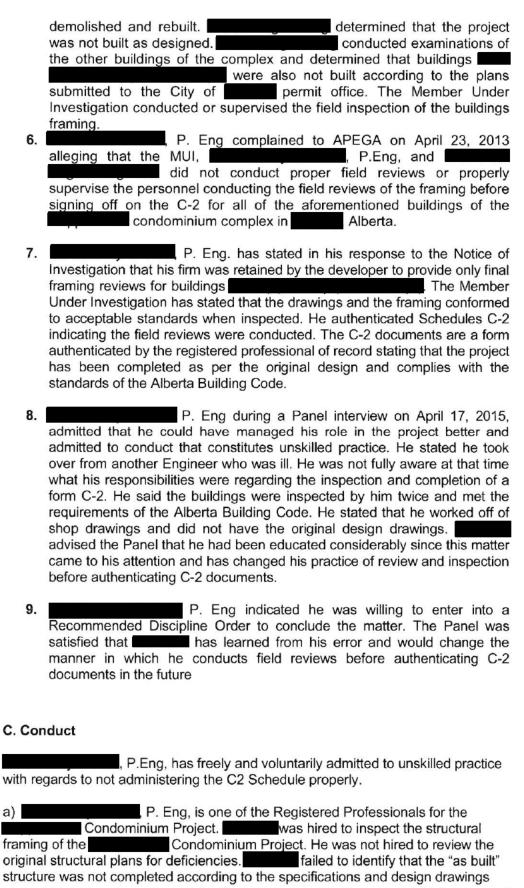
## In the matter of the Engineering and Geoscience Professions Act

and

In the matter of the conduct of , P.ENG.

The Investigative Committee of the Association of Professional Engineers and

| of PEGA) has conducted an investigation into the conduct of PEGA, P.Eng. with respect to allegations of not conducting or properly supervising field reviews of building framing at the condominium complex located in Alberta.   |  |  |  |  |
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| A. Complaints   |  |  |  |  |
| <ol> <li>The Member has engaged in unprofessional conduct, contrary to Section 44         <ul> <li>(1) (b) of the Engineering and Geoscience Professions Act ("Act") and Rule of Conduct #1 of the Code, in that did not conduct or properly supervise field reviews of building framing which constitutes unskilled practice of the profession.</li> </ul> </li> </ol> |  |  |  |  |
| 2. B. Agreed Statement of Facts   |  |  |  |  |
| As a result of the investigation, it is agreed by and between the Investigative Committee and P. P.Eng. that:   |  |  |  |  |
| <ol> <li>P.Eng. was at all relevant times, a professional<br/>member of APEGA, and was thus bound by the Engineering and<br/>Geoscience Professions Act and the APEGA Code of Ethics.</li> </ol>  |  |  |  |  |
| 4. held a valid Permit to Practice at all relevant times.   |  |  |  |  |
| 5. P. Eng and his firm, were retained by the condominium owners to provide services during reconstruction of a condominium complex damaged by fire. The damaged buildings were  |  |  |  |  |
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produced under the direction of the previous Engineer of Record (the design engineer) before applying his seal to the C2 documents.

Section 44(1) of the Act states:

- 44(1) Any conduct of a professional member, licensee, permit holder, certificate holder or member-in-training that in the opinion of the Discipline Committee or the Appeal Board
- (a) is detrimental to the best interests of the public;
- (b) contravenes a code of ethics of the profession as established under the regulations;
- (c) harms or tends to harm the standing of the profession generally;
- (d) displays a lack of knowledge of or a lack of skill or judgement in the practice of the profession or;
- (e) displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession.

Whether or not that conduct is disgraceful or dishonorable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.

Rule #1 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety and welfare of the public and have regard for the environment.

Rule #2 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall undertake only work that they are competent to perform by virtue of their training and experience.

Rule #3 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness and objectivity in their professional activities.

Rule #4 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall comply with applicable statutes, regulations and bylaws in their professional practices.

Rule #5 of the APEGA Code of Ethics states:

Professional engineers and geoscientists shall uphold and enhance the honour, dignity and reputation of their professions and thus the ability of the professions to serve the public interest.

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| Orders   |
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| On the recommendations of the Investigative Committee, and by agreement of P.Eng, and W. with that recommendation          |
| following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that: |
| 1. receives a letter of reprimand.   |
| and  |
| <ol><li>The details of this matter be published in the PEG magazine, withou names.</li></ol>                               |
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| APEGA Investigative Committee  |
| Panel Chair Allan Yucoco, P.L. (Eng).  APEGA Investigative Committee  P.Eng.   |
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## APEGA Discipline Committee Approved this 26TH day of TAUVARY By: Case Manager Russ Renneberg, P.Eng.